

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47567 of 2015

Arising Out of PS.Case No. -548 Year- 2015 Thana -TURKAULIYA District- EAST
CHAMPARAN (MOTIHARI)

- =====
1. Sk. Abdullah S/o Late Sk. Murid.
 2. Sk. Perwej Alam @ Perwej Alam, S/o Sk. Abdullah.
 3. Sk. Nasrullah, S/o Late Farid.
 4. Sk. Akbar Ali @ Sekh Akber.
 5. Sk. Ashgar Ali @ Aungrej @ Ashgar Ali.
 6. Sk. Bhikhari @ Bhikhari, All Sons of Sk. Nasrullah.
 7. Sk. Ajijul S/o Sk. Sainullah.
 8. Sk. Murtuja, S/o Sk. Mahamjan.
 9. Sk. Samsul Haque @ Sk. Shamsul S/o Late Sk. Rahman.
- All resident of village - Shankar Saraiya, Tansariya, P.S. - Turkaulia,
District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in
Turkauliya P.S. Case No. 548 of 2015 dated 19.07.2015
instituted under Sections 147/148/149/341/323/324/307/
448/354/379/504/506 of the Indian Penal Code.

The allegation against the petitioners is of
being armed with weapons and inflicting blows on the
informant and others and against petitioner no. 5, there is
specific allegation of inflicting 'Farsa' blow on a lady.

Learned counsel for the petitioners submits



that two days prior to the incident, the informant party had attacked the aunt of petitioner no. 2 on the pretext that she was practicing witchcraft for which Complaint Case No. 609 of 2015 has also been instituted by him. It is submitted that for the same incident, there is also a counter case and in fact it was the informant and others who were the aggressors. It is further submitted that the parties are neighbours and there was scuffle between both the sides. Learned counsel submits that the petitioners have clean antecedent.

Learned A.P.P. submits that the injury on one of the female victims corroborates the allegation of assault by Farsa by the petitioner no. 5 and further body blows have been given by all the rest on the informant side. However, he is not in a position to dispute the fact that against the other petitioners, there is only general and omnibus allegation of assault.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners no. 1, 2, 3, 4, 6, 7, 8 and 9 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Turkauliya P.S. Case No. 548 of 2014, subject to the conditions laid down in Section 438(2) of

the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail of petitioner no.

5 stands rejected.

(Ahsanuddin Amanullah, J.)

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